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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/876,857      | 06/07/2001  | Kenneth L. Addy      | 110-052             | 7742             |

7590 11/05/2003

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EXAMINER

MISKA, VIT W

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2841

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/876,857

Applicant(s)

ADDY ET AL.

Examiner

Vit W. Miska

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2841

MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurple in view of Gaskill('771). Kurple discloses a security system including a wrist worn timepiece 14 for calculating the time of day and generating a time of day signal in circuit 42, wireless transmitter 58, processing means 38, control panel and wireless receivers 22, 24 for receiving signals transmitted by transmitter 58. Sensors associated with security systems are noted by applicant as conventional in the specification at page 1, line 3 from the bottom. The reference does not disclose a means for time synchronization between the transmitter and receiver. However, time synchronization between a wrist worn timepiece and a remote device by means of wireless signals is well known and disclosed in Gaskill. At col. 7, lines 10ff Gaskill describes such a time synchronization system. One of ordinary skill in the art having both references would be taught to that time data may be transmitted from timepiece 14 to remote devices 22,

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24 in Kurple, as shown in Gaskill, as an obvious means for ensuring correct time synchronization between the timepiece and the controlled devices.

2. Claims 2-6, 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurple and Gaskill ('771), as applied to claims 1 and 14, in further view of Youngberg. Transmission of time synchronization data between remote devices at a predetermined time, in response to manual actuation or after a predetermined event is taught by Youngberg at col. 4, lines 48-58. One of ordinary skill in the art would thus have a suggestion of transmitting the synchronization signals of Gaskill to the remote device at predetermined times or in response to events, as shown in Youngberg to provide correct time at times when correction is necessary or convenient to the user.

3. Claims 7-12 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurple in view of Evans. Kurple discloses the elements noted above with respect to claim 1. The reference does not teach storing of event records in the timepiece remote control for transmission to the remote device at the time stored in connection with the event record data. Evans teaches this feature with remote control device 10 storing in memory 25 user defined event records and processing means for determining coincidence of the event time data with the time of day data as described at col. 2 lines 10-50 and at cols. 3-4. One of ordinary skill in the art having both references

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would thus have a suggestion of storing event data provide means for transmission of corresponding command data to the remote devices in the timepiece remote control of Kurple as shown in Evans as an obvious means for controlling time sensitive functions of the remote device. Sensors associated with the security system have been shown to be conventional by applicant in the specification, as noted above.

4. Claims 13, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurple and Evans as applied to claim 12 above, and further in view of Gildewell et al. Gildewell teaches arming of a security system after a predetermined time delay after actuation of a switch as described at col. 3, lines 60ff. One of ordinary skill in the art would thus be taught to provide this feature in Kurple as an obvious means for allowing delayed arming of the remote device at a time determined by the user.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim duplicates the subject matter of claim 6.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 703-308-3096. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 703-308-3121. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.

VM  
11/3/2003



Vit Miska  
Primary Examiner